

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

PU2185

In re Application of: **DEWANJEE**Application No. **10/707,267**

05/12/2005 SMINASS1 00000108 500303 10707267

Filed: **12/2/03**

01 FC:1814

130.00 DA

For: **INSERT FOR GOLF CLUB HEAD**

The owner, **CALLAWAY GOLF COMPANY** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/604,312**, filed on **7/10/03**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is **\$110.00** and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.

- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **500303**.

- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PTO suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Michael A. Catania
Signature

Name and Address of Person Signing

MICHAEL A. CATANIA**REGISTRATION NO. 36474****CALLAWAY GOLF COMPANY****2180 RUTHERFORD ROAD****CARLSBAD, CALIFORNIA 92008-7328****TEL: (760) 930-8493****FAX: (760) 930-5019****EMAIL: MIKECA@CALLAWAYGOLF.COM**Dated: *May 11, 2005*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **5-11-05**.

(Date)

Susan Glenn
Signature of Person Mailing Correspondence

SUSAN GLENN

Typed or Printed Name of Person Mailing Correspondence

P28/RE/02

MAY 11 2005

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**Docket No.
PU2185

In Re Application Of: DEWANJEE

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/707,267	12/2/03	S. PASSANITI	23454	3711	1266

Invention:

INSERT FOR GOLF CLUB HEAD

Owner of Record: CALLAWAY GOLF COMPANY

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,238,302. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Signature


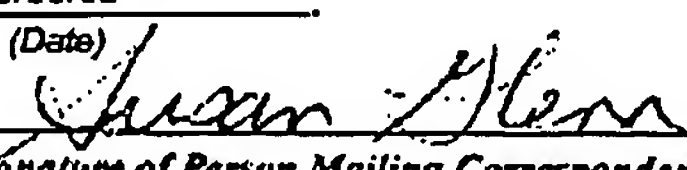
Dated:

May 11, 2005

MICHAEL A. CATANIA

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☐ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. PU2185	
In Re Application Of: DEWANJEE					
Application No. 10/707,267	Filing Date 12/2/03	Examiner S. PASSANITI	Customer No. 23454	Group Art Unit 3711	Confirmation No. 1166
Title: INSERT FOR A GOLF CLUB HEAD					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is: TERMINAL DISCLAIMER OVER PATENT 6,238,302					
in the above identified application.					
<input type="checkbox"/> No additional fee is required.					
<input type="checkbox"/> A check in the amount of _____ is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 500303 as described below.					
<input checked="" type="checkbox"/> Charge the amount of \$110.00					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional fee required.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 Signature			Dated: May 11, 2005		
MICHAEL A. CATANIA REGISTRATION NO. 36474 CALLAWAY GOLF COMPANY 2180 RUTHERFORD ROAD CARLSBAD, CALIFORNIA 92008-7328 TEL: (760) 930-8493 FAX: (760) 930-5019 EMAIL: MIKECA@CALLAWAYGOLF.COM					
cc:					
<div style="font-size: small;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</div> <div style="text-align: center;">5/11/05 (Date)</div> <div style="text-align: center;"> Signature of Person Mailing Correspondence</div> <div style="text-align: center;">SUSAN GLENN Typed or Printed Name of Person Mailing Correspondence</div>					

P16A/R2/03